

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

NICOLE MCDONAGH and DAVID  
GRUCELLO, on behalf of themselves,  
and all other similarly situated,

Plaintiffs,

vs.

HARRAH'S LAS VEGAS, INC.,  
HARRAH'S ENTERTAINMENT, LLC;  
and DOES 1 through 50, inclusive,

Defendants.

Case No. 13-cv-01744 RFB CWH

Hon. Carl W. Hoffman

~~[PROPOSED]~~ ORDER GRANTING  
JOINT MOTION FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT

On September 6, 2016, this Court considered the Joint Motion for Preliminary Approval of Class Action Settlement.

Having considered the motion and all supporting legal authorities and documents the Court orders as follows:

IT IS HEREBY ORDERED THAT:

1           1.     The Court hereby preliminarily approves settlement of this action upon the  
2 terms and conditions set forth in the Agreement. The Court preliminarily finds that the  
3 gross settlement amount of \$850,000 falls within the range of reasonableness necessary  
4 for preliminary approval and that this amount is fair, adequate, and reasonable as to all  
5 potential members of the settlement class when balanced against the probable outcome  
6 of further litigation, and ultimately relating to liability and damages issues.

7           2.     The Court conditionally certifies the following class solely for purposes of  
8 settlement: all current and former hourly paid dealers employed by Harrah's Las Vegas  
9 at any time from September 23, 2007 through June 30, 2010 and all current and former  
10 dual-rate supervisors employed by Harrah's Las Vegas at any time from September 23,  
11 2007 through June 30, 2014.

12           3.     Named plaintiffs Nicole McDonagh and David Grucello are appointed as  
13 class representatives and the Court preliminarily approves enhancement payments for  
14 the following amounts: \$15,000 each for Nicole McDonagh and David Grucello and  
15 \$5,000 to plaintiff Kimberley Daprizio.

16           4.     The Court appoints Thierman Buck LLP and The Markham Law Firm as  
17 class counsel and preliminarily approves their attorney's fee request of \$212,500 and  
18 litigation costs not to exceed \$50,000.

19           5.     The Court confirms CPT Group, Inc. as the settlement administrator and  
20 approves the notice and claim procedures set forth in the Agreement.

21           6.     The Court approves, as to form and content, the Notice to the Class of  
22 Proposed Settlement and the Claim Form, attached to the Settlement Agreement as  
23 exhibits 1 and 2, subject to the revisions to the class notice made by the parties  
24 pursuant to the Court September 6, 2016 minute order (Dkt. No. 94).

25           7.     The Court directs defendants to provide to CPT a database report showing  
26 the names, last known addresses, and social security numbers of each settlement class  
27 member no later than 15 calendar days after entry of this Order preliminarily approving  
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1 settlement. CPT will send to each settlement class member the Notice of the Proposed  
2 Settlement and Claim Form by first class mail, no later than 30 days from the date the  
3 Court signs this Order granting preliminary approval of settlement. Class counsel will  
4 receive the aforementioned database report without the social security numbers of the  
5 settlement class members upon the close of the claims process.

6 8. Class Counsel to file its motion for attorneys' fees, costs, and class  
7 representative enhancement awards on November 21, 2016.

8 9. All papers filed in support of final approval of the settlement, and response  
9 to any objections, will be filed no later than November 28, 2016.

10 10. A final approval hearing will be held in Courtroom 3C on December 13,  
11 **2016** at 9:30 **a.m.** to determine (1) whether the proposed settlement is fair,  
12 reasonable, and adequate and should be finally approved; (2) the amount of attorney's  
13 fees and litigation costs to award to class counsel; (3) the amount to be paid to CPT; and  
14 (4) the amount of the service payments for the class representatives.

15  
16 **IT IS SO ORDERED.**

17 Dated: September 14, 2016

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20 CARL W. HOFFMAN  
21 United States Magistrate Judge  
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